
PRELIMINARY DRAFT

No. 3134

PREPARED BY

LEGISLATIVE SERVICES AGENCY

2010 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 2-3.5-3-4; IC 33-38-6-23; IC 33-39-7-11; IC 36-8-8-5.

Synopsis: Pension funds administered by PERF. Eliminates references to the treasurer of state's duties concerning the following pension funds administered by the public employees' retirement fund (PERF): (1) legislators' retirement system; (2) judges' retirement system; (3) prosecuting attorneys retirement fund; and (4) 1977 police officers' and firefighters' retirement and disability fund. (In 2009 the treasurer of state's role as treasurer of PERF was eliminated and those duties were assigned to the PERF board and executive director.)

Effective: July 1, 2010.



A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 2-3.5-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) The PERF board shall administer the system, which may be commingled with the PERF fund for investment purposes.

(b) The PERF board shall:

(1) determine eligibility for and make payments of benefits under this chapter, IC 2-3.5-4, and IC 2-3.5-5;

(2) in accordance with the powers and duties granted in IC 5-10.3-3-7, IC 5-10.3-3-7.1, IC 5-10.3-3-8, and IC 5-10.3-5-3 through IC 5-10.3-5-6, administer the system; ~~and~~

(3) provide by rule for the implementation of this chapter, IC 2-3.5-4, and IC 2-3.5-5; **and**

(4) authorize deposits.

(c) A determination by the PERF board may be appealed under IC 4-21.5.

(d) The powers and duties of:

(1) the director and the actuary of the PERF board;

~~(2) the treasurer of state;~~

~~(3) (2)~~ the attorney general; and

~~(4) (3)~~ the auditor of state;

with respect to the fund are those specified in IC 5-10.3-3 and IC 5-10.3-4.

(e) The PERF board may hire additional personnel, including hearing officers, to assist in the implementation of this chapter.

(f) Legislators' retirement system records of individual participants and participants' information are confidential, except for the name and years of service of a retirement system participant.

SECTION 2. IC 33-38-6-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 23. (a) The board of trustees of the public employees' retirement fund shall administer the fund, which may be commingled with the public employees' retirement



- 1 fund for investment purposes.
- 2 (b) The board shall do the following:
- 3 (1) Determine eligibility for and make payments of benefits under
- 4 IC 33-38-7 and IC 33-38-8.
- 5 (2) In accordance with the powers and duties granted it in
- 6 IC 5-10.3-3-7, IC 5-10.3-3-7.1, IC 5-10.3-3-8, and IC 5-10.3-5-3
- 7 through IC 5-10.3-5-6, administer the fund.
- 8 (3) Provide by rule for the implementation of this chapter and
- 9 IC 33-38-7 and IC 33-38-8.
- 10 **(4) Authorize deposits.**
- 11 (c) A determination by the board may be appealed under the
- 12 procedures in IC 4-21.5.
- 13 (d) The powers and duties of:
- 14 (1) the director and the actuary of the board;
- 15 ~~(2) the treasurer of state;~~
- 16 ~~(3) (2) the attorney general;~~ and
- 17 ~~(4) (3) the auditor of state;~~
- 18 with respect to the fund are those specified in IC 5-10.3-3 and
- 19 IC 5-10.3-4.
- 20 (e) The board may hire additional personnel, including hearing
- 21 officers, to assist it in the implementation of this chapter.
- 22 (f) Fund records of individual participants and participants'
- 23 information are confidential, except for the name and years of service
- 24 of a fund participant.
- 25 SECTION 3. IC 33-39-7-11 IS AMENDED TO READ AS
- 26 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 11. (a) The board shall
- 27 administer the fund, which may be commingled with the public
- 28 employees' retirement fund for investment purposes.
- 29 (b) The board shall do the following:
- 30 (1) Determine eligibility for and make payments of benefits under
- 31 this chapter.
- 32 (2) In accordance with the powers and duties granted the board in
- 33 IC 5-10.3-3-7, IC 5-10.3-3-7.1, IC 5-10.3-3-8, and IC 5-10.3-5-3
- 34 through IC 5-10.3-5-6, administer the fund.
- 35 (3) Provide by rule for the implementation of this chapter.
- 36 **(4) Authorize deposits.**
- 37 (c) A determination by the board may be appealed under IC 4-21.5.
- 38 (d) The powers and duties of:
- 39 (1) the director and the actuary of the board;
- 40 ~~(2) the treasurer of state;~~
- 41 ~~(3) (2) the attorney general;~~ and
- 42 ~~(4) (3) the auditor of state;~~
- 43 with respect to the fund are those specified in IC 5-10.3-3 and
- 44 IC 5-10.3-4.
- 45 (e) The board may hire additional personnel, including hearing
- 46 officers, to assist in the implementation of this chapter.



(f) Fund records of individual participants and participants' information are confidential, except for the name and years of service of a fund participant.

SECTION 4. IC 36-8-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) The PERF board shall:

(1) determine eligibility for and make payments of benefits, except as provided in section 12 of this chapter;

(2) in accordance with the powers and duties granted it in IC 5-10.3-3-7, IC 5-10.3-3-8, and IC 5-10.3-5-3 through IC 5-10.3-5-6, administer the 1977 fund; ~~and~~

(3) provide by rule for the implementation of this chapter; **and**

(4) authorize deposits.

(b) A determination by the PERF board may be appealed under the procedures in IC 4-21.5.

(c) The powers and duties of the director and the actuary of the PERF board, ~~the treasurer of state~~, the attorney general, and the auditor of state, with respect to the 1977 fund, are those specified in IC 5-10.3-3 and IC 5-10.3-4.

(d) The PERF board may hire additional personnel, including hearing officers, to assist it in the implementation of this chapter.

(e) The 1977 fund records of individual members and membership information are confidential, except for the name and years of service of a 1977 fund member.

